

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 27984 PERMIT 19920 LICENSE \_\_\_\_\_

ORDER APPROVING  
A NEW DEVELOPMENT SCHEDULE

**WHEREAS:**

1. Permit 19920 was issued to Rick Bosetti and Charles Burgans on November 25, 1986, pursuant to Application 27984.
2. Permit 19920 was subsequently assigned to Mega Renewables.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

**NOW, THEREFORE, IT IS ORDERED THAT:**

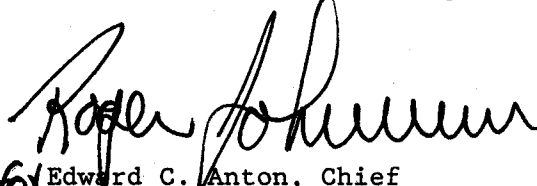
1. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 2003

(0000009)

Dated: **JUNE 11 1993**

  
for Edward C. Anton, Chief  
Division of Water Rights

STATE OF CALIFORNIA

STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19920

Application 27984 of Rick Bosetti and Charles Burgans (over)  
1471 Arroyo Manor Drive, Redding, California 96003

filed on March 2, 1984, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:	Tributary to:
Five Unnamed Springs (#2 thru 6)	Unnamed Stream thence
	Pit River thence
	Sacramento River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	* Section	Township	Range	Base and Meridian
California Coordinate System Zone 1 North 586,700 feet, East 2,004,300 feet	SW¼ of SW¼	28	36N	1W	MD

County of Shasta \*Projected

3. Purpose of use:	4. Place of use:	* Section	Township	Range	Base and Meridian	Acres
Power	SE¼ of SE¼	29	36N	1W	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

P19920

1-6-87 Asgd. to Mega Renewables, A Calif. General Partnership

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 15 cubic feet per second to be diverted from January 1 to December 31 of each year. (0000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)
8. Construction work shall be completed by December 1, 1990. (0000008)
9. Complete application of the water to the authorized use shall be made by December 1, 1992. (0000009)
10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)
11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)
13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. This permit shall not be construed as conferring upon the permittee right of access to the point of diversion. (0000022)

15. For the protection of instream resources, permittee shall not divert water under this permit unless 1) a visible thread of surface flow exists from the source springs through all watercourses affected by the project down to the Pit River, and 2) a total flow of between 0.5 cubic foot per second and 2.0 cubic feet per second exists in the unnamed stream, to which the source springs are tributary, as determined by the California Department of Fish and Game to be necessary to maintain the integrity of existing riparian vegetation. (0350500)

16. No water shall be diverted under this permit until permittee has installed a device, satisfactory to the California Department of Fish and Game and the State Water Resources Control Board, which is capable of measuring the bypass flows required by this permit. Said measuring device shall be properly maintained.

Permittee shall maintain daily records of minimum and maximum flows measured, and shall supply such records to the California Department of Fish and Game annually by December 31 of each year for the preceding water year of October 1 to September 30. (0360400)

17. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted until permittee has entered into a stream or lake alteration agreement with the Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee. (0000063)

18. Transmission lines shall be designed and constructed in such a way that they are not a hazard to raptorian birds. (0360500)

19. All areas denuded by project construction shall be reseeded with plant species of value to wildlife. Denuded slopes shall be covered with protective mulch or other protective reseeded techniques as soon as practicable following active work at the specific site. Protection measures shall be repeated as necessary to ensure erosion prevention. (0400500)

20. Permittee shall allow representatives of the California Department of Fish and Game reasonable access to project facilities for the purpose of inspecting the operation and maintenance of fish and wildlife protective measures and to verify measuring device readings. (0400500)

21. Permittee shall implement any remedial action or other measures found necessary by the California Department of Fish and Game to protect, maintain, or restore fish and wildlife resources adversely impacted by diversion under this permit. (0400500)

22. Permittee shall, prior to construction, file a Report of Waste Discharge pursuant to Water Code Section 13260 with the California Regional Water Quality Control Board, Central Valley Region, (Regional Board) and shall comply with all Waste Discharge Requirements issued by the Regional Board. If the Regional Board waives issuance of Waste Discharge Requirements, the permittee shall comply with Parts I and II of the "Guidelines for Protection of Water Quality During Construction and Operation of Small Hydro Projects" (Guidelines) as contained in the Water Quality Control Plans of the Central Valley Basin.

Specific requirements set forth in this permit shall prevail over any specific or general requirements in the referenced Guidelines in the event of conflict.

When complying with the Guidelines, pursuant to this condition, the permittee shall not commence construction until the Erosion Control Plan and any baseline data required by the Guidelines have been submitted to and approved in writing by the Regional Board; and before commencing sluicing operations, the permittee shall submit and receive written approval from the Regional Board of the Sluicing Operation Plan.

(0000102)

23. Water diverted under this permit is for nonconsumptive use and is to be released to the Pit River within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 29, T36N, RLW, MDB&M.

(0000111)

24. All rights and privileges to appropriate water for power purposes under this permit and any subsequently issued license are subject to depletions resulting from future upstream appropriation for domestic and stockwatering uses within the watershed. Such rights and privileges under this permit may also be subject to future upstream appropriations for uses within the watershed other than domestic and stockwatering if and to the extent that the Board determines, pursuant to Water Code Sections 100 and 275, that the continued exercise of the appropriation for power purposes is unreasonable in light of such proposed uses. Any such determination shall be made only after notice to permittee or licensee of an application for any such future upstream appropriation and the opportunity to be heard; provided, that a hearing, if requested, may be consolidated with the hearing on such applications.

(000I001)

25. No construction shall be commenced and no water shall be used under this permit until all necessary federal, state and local approvals have been obtained, including compliance with any applicable Federal Energy Regulatory Commission, United States Bureau of Land Management, and Central Valley Regional Water Quality Control Board requirements.

(000J001)

26. The State Water Resources Control Board reserves jurisdiction in the public interest to modify the terms and conditions of this permit, including imposition of requirements to alter project facilities or operations and to modify instream flow releases, in the event of unforeseen adverse impacts to fish or wildlife. Board action will be taken only after notice to interested parties and opportunity for hearing.

(000M001)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: NOVEMBER 25 1986

STATE WATER RESOURCES CONTROL BOARD

*for Lloyd Johnson*  
Chief, Division of Water Rights